

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 431 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 8-1-2.4-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The definitions
5 in this section apply throughout this chapter.
6 (b) "Alternate energy production facility" means:
7 (1) a solar, a wind turbine, a waste management, a resource
8 recovery, a refuse-derived fuel, ~~or a wood burning facility, or an~~
9 **organic waste biomass conversion facility;**
10 (2) any land, system, building, or improvement that is located at
11 the project site and is necessary or convenient to the construction,
12 completion, or operation of the facility; and
13 (3) the transmission or distribution facilities necessary to conduct
14 the energy produced by the facility to users located at or near the
15 project site.
16 (c) **"Organic waste biomass conversion facility" means tangible**
17 **property:**
18 (1) **not owned by a person primarily engaged in the**
19 **generation or retail sale of electricity, gas, or thermal energy;**
20 (2) **reported to the Indiana utility regulatory commission**
21 **before construction begins, as required under IC 8-1-8.5-7;**
22 **and**
23 (3) **directly used to produce electricity of not more than eighty**
24 **(80) megawatts capacity from agricultural livestock waste**

1 **nutrients (as defined in 26 U.S.C. 45) or other agriculture**
 2 **sources, including orchard tree crops, vineyard, grain,**
 3 **legumes, sugar, and other crop byproducts or residues.**

4 **The term includes metering devices, relays, locks and seals,**
 5 **breakers, automatic synchronizers, and other control and**
 6 **protective apparatus designated for safe, efficient, and reliable**
 7 **interconnection to an electric utility's system. The term does not**
 8 **include tangible property that uses fossil fuel that exceeds the**
 9 **minimum amount of fossil fuel required for any necessary startup**
 10 **and flame stabilization or municipal solid waste.**

11 ~~(c)~~ **(d)** "Cogeneration facility" means:

12 (1) a facility that:

13 (A) simultaneously generates electricity and useful thermal
 14 energy; and

15 (B) meets the energy efficiency standards established for
 16 cogeneration facilities by the Federal Energy Regulatory
 17 Commission under 16 U.S.C. 824a-3;

18 (2) any land, system, building, or improvement that is located at
 19 the project site and is necessary or convenient to the construction,
 20 completion, or operation of the facility; and

21 (3) the transmission or distribution facilities necessary to conduct
 22 the energy produced by the facility to users located at or near the
 23 project site.

24 ~~(d)~~ **(e)** "Electric utility" means any public utility or municipally
 25 owned utility that owns, operates, or manages any electric plant.

26 ~~(e)~~ **(f)** "Small hydro facility" means:

27 (1) a hydroelectric facility at a dam;

28 (2) any land, system, building, or improvement that is located at
 29 the project site and is necessary or convenient to the construction,
 30 completion, or operation of the facility; and

31 (3) the transmission or distribution facilities necessary to conduct
 32 the energy produced by the facility to users located at or near the
 33 project site.

34 ~~(f)~~ **(g)** "Steam utility" means any public utility or municipally owned
 35 utility that owns, operates, or manages a steam plant."

36 Renumber all SECTIONS consecutively.

(Reference is to ESB 431 as printed March 30, 2007.)

Representative Stutzman